

06/24/03

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No. A-65430-2/DJB/MAK

"EXPRESS MAIL" MAILING LABEL  
NUMBER EU503118753USU.S. PTO  
06/24/03

Anticipated Classification of this Application:

DATE OF DEPOSIT 24 June 2003

Class/Subclass: 382/133000

This paper and its enclosures as listed below (if any) are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and are addressed to: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Prior Application

Examiner: Barry CHOOBIN

Art Unit: 2625

Mail Stop PATENT APPLICATION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

This is a request for filing an

Original  
 Continuation  
 Divisional  
 Continuation-in-part

application under 37 C.F.R. 1.53(b), in the name of

Albert E. CHU and John L. LAWLESS  
(Names of ALL Applicants)for Reflectometry System with Compensation for Specimen Holder Topography and with Lock-Rejection of System Noise

(Title of Invention)

This  continuation  divisional  continuation-in-partclaims priority to pending application Serial No. 09/610,667, filed on 5 July 2000.

1.  Enclosed is a new application.
- Enclosed is a continuation-in-part application.
- Enclosed is a copy of the prior application.
2.  Enclosed is a new Declaration.
- Enclosed is a copy of the prior Declaration as originally filed.
3.  Applicant claims small entity status (see 37 CFR 1.27)
4.  Request and Certification under 35 U.S.C. 122(b)(2)(i) (Form PTO/SB/35)
5.  Genetic Sequence Submission: Paper copy, Computer Readable Copy; Statement Verifying Identical Paper and Computer Readable Copy
6.  The filing fee is calculated below:  
 Claims as filed in the prior application, less any claims canceled by amendment below:

	(Col. 1) NO. FILED	(Col. 2) NO. EXTRA	SMALL ENTITY		OTHER THAN SMALL ENTITY	
			RATE	Fee	Rate	Fee
<b>BASIC FEE</b>				<b>\$375</b>		<b>\$750</b>
<b>TOTAL CLAIMS</b>	<u>21</u> - 20 =	1	× 9 =	\$ 9	× 18 =	\$
<b>INDEP CLAIMS</b>	<u>2</u> - 3 =	0	× 42 =	\$ 0	× 84 =	\$
<b>MULTIPLE DEPENDENT CLAIM PRESENTED</b>	<u>yes</u>	<u>✓no</u>	+140 =	\$ 0	+280 =	\$
If the difference in Col 1 is less than zero, enter "0" in Col. 2			<b>TOTAL</b>	<b>\$384</b>	<b>TOTAL</b>	<b>\$</b>

7.  Our check in the amount of \$ 384.00 is enclosed in payment of the above-calculated filing fee.  
— The Commissioner is hereby authorized to charge the above-calculated filing fee to Deposit Account No. 50-2319 (Order No.           ).  
— The filing fee is NOT being submitted with this transmittal letter.

8.  The Commissioner is hereby authorized to charge any additional fees which may be required, including extension fees, or credit any overpayment to Deposit Account No. 50-2319 (Order No. 468503-00217 [A-65430-2/DJB/MAK]).

9.  Cancel in this application original claims 2-20 of the prior application before calculating the filing fee. (At least one independent claim must be retained for filing purposes.)

10.  Amend the specification by inserting before the first line the sentence:  
— This is a        continuation        divisional        continuation-in-part  
of application Serial No.                    filed                   .

11.  Informal drawings are enclosed.  
 Formal drawings are enclosed.

12.  Priority of application Serial No.            filed on            in            is claimed under 35 U.S.C. 119.  
— The certified copy has been filed in prior application Serial No.            filed on           .

13.  The prior application is assigned of record to EY Laboratories, Inc.;  
 Enclosed is a copy of the assignment from the prior application  
— Enclosed is a new assignment  
— with Recordation Form Cover Sheet (PTO-1595)  
— with our check in the amount of \$40.00 to pay the recordation fee

14.  The power of attorney in the prior application is to:  
Name: Michael A. Kaufman, Esq.  
Address: Flehr Hohbach Test Albritton & Herbert LLP  
Four Embarcadero Center - Suite 3400  
San Francisco, California 94111-4187

— The power appears in the original papers in the prior application.  
 Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.  
— A new power has been executed and is enclosed.  
 Address all future communications to the address associated with Customer No. 32940, currently:

DORSEY & WHITNEY LLP  
Four Embarcadero Center - Suite 3400  
San Francisco, California 94111-4187  
Tel.: (415) 781-1989  
Fax: (415) 398-3249

13.  A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

14.  I hereby verify that the attached papers are a true duplicate of prior application Serial No. 09/021,419 as originally filed on 10 February 1998.

15.  Request and Certification under 35 U.S.C. 122(b)(2)(i) (Form PTO/SB/35)

16.  Also enclosed is/are: \_\_\_\_\_

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Date: 23 June 2003

Signature: Michael A. Kaufman  
Michael A. KAUFMAN  
Reg. No. 32,998

Address of Signer:

DORSEY & WHITNEY LLP  
4 Embarcadero Center - Suite 3400  
San Francisco, California 94111-4187  
Tel.: (415) 781-1989  
Fax: (415) 398-3249

Attorney or agent of record  
 Filed under 37 C.F.R. § 1.34(a)